

REMARKS

This paper is filed in response to the Office Action dated June 14, 2004. As this paper is filed on December 14, 2004 with a three-month extension of time and a request for continued prosecution, the paper is timely filed.

I. Status of Amendments

Claims 1-41 were pending prior to this response. Claims 4-13, 22-33, and 40 have been cancelled. Thus, claims 1-3, 14-21, 34-39, and 41 are now pending.

II. Response to the June 14 Office Action

Figure 3 was objected to because box (100) had not been labeled "controller". An amended replacement sheet of drawings has been submitted herewith to traverse the objection.

Claims 1-6, 12-20, 22-24, 30-32, 34-37, and 39-41 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Walker et al. (U.S. Pat. No. 6,077,163). Claims 7-10 and 25-28 were rejected under 35 U.S.C. 103 as allegedly unpatentable over Walker et al. in view of Colin et al. (U.S. Pat. No. 6,346,043), claims 11 and 29 over Walker et al. in view of Colin et al. further in view of Bennett (U.S. Pat. No. 6,102,798) and claims 21, 33, and 38 over Walker et al. The rejections of claims 4-13, 22-33 and 40 are moot because these claims have been cancelled; this includes those rejections based on Walker et al. in view of Colin et al. and those rejections based on Walker et al. in view of Colin et al. further in view of Bennett. The remaining rejections are based solely on Walker et al.

The June 14 Office Action suggests that the applicant represented that "Walker et al.'s 'session' is dependent *solely* upon input from the player" (emphasis added). In rebuttal, it is then stated that:

Walker et al. discloses, in another embodiment, price parameters are operator selected price parameters, rather than player selected price parameters and therefore does not require

player input. (Abstract, Column 1, lines 62-65, Column 11, lines 51-57, and Claims 5, 36, 46, and 59).

However, contrary to the June 14 Office Action, applicant never stated that the session of Walker et al. is dependent *solely* upon input from the player. Specifically, applicant stated:

Walker et al. states (col. 3:21-28):

The gaming device stores the player selected price parameters and proceeds to retrieve the flat rate price of playing the gaming device for the flat rate play session. The player selected price parameters, in combination with operator price parameters, determine the flat rate price. Should the player decide to pay the flat rate price, the player simply deposits that amount into the gaming device or makes a credit account available for the gaming device to debit.

Thus, the allegedly corresponding interval of Walker et al. ("session") is dependent upon input from the player (acceptance of the length of the flat fee session, and the variable choices made arriving at the length of the flat fee session) in Walker et al. Moreover, there is nothing in Walker et al. to suggest or teach that the allegedly corresponding intervals (sessions) are selected independent of some player input. Consequently, claim 1 is not anticipated by or obvious in view of Walker et al.

Stated another way, *whatever else Walker et al. might state about the parameters used to set the length of the session*, Walker et al. *consistently states* that the player is involved in the setting of the session length and the acceptance of the session length, and thus the allegedly corresponding deduction of the allegedly corresponding fee in Walker et al. is *always* dependent upon *some* player input. Applicant never states that the allegedly corresponding deduction is *solely* dependent upon player input.

As a consequence, the passages cited in the June 14 Office Action do not rebut applicant's argument. In fact, the passages are consistent with applicant's position that Walker et al. *consistently involves player input* in the allegedly corresponding deduction of the allegedly corresponding fee. Therefore, Walker et al. does not disclose, teach or suggest deducting a fee at intervals from the value total independent of play of said game represented by said video image and *independent* of input from a player, as is recited in claim 1.

Moreover, because deduction of a fee at intervals from the value total independent of play of a game represented by a video image and independent of input from a player is a limitation found in claims 14, 17, 34, 39 and 41, Walker et al. cannot anticipate or render obvious these claims as well. Moreover, as for claims 2, 3, 15, 16, 18-21, and 35-38, which depend from one of claims 1, 14, 17, and 34, because claims 1, 14, 17, and 34 are not anticipated or rendered obvious by Walker et al., these claims would also be allowable.

III. Information Disclosure Statement

Applicant submits herewith an Information Disclosure Statement.

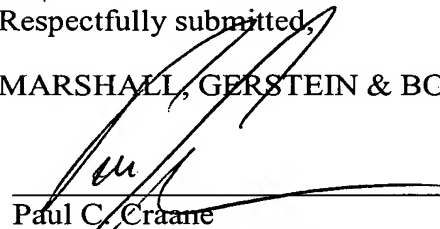
In view of the foregoing, it is respectfully submitted that the objections and rejections are traversed, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

Date: December 14, 2004

By:


Paul C. Craane
Registration No. 38,851
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300

Amendments to the Drawings:

Applicant submits herewith one replacement sheet of formal drawings. Box (100) has been amended to include the label “controller”. Applicant respectfully requests entrance of this replacement drawing.

Appendix: One (1) replacement sheet of drawings.